

Remarks:

Applicants have read and considered the Office Action dated March 2, 2010 and the references cited therein. Claims 1, 3-6, 8, 11-12 and 15 have been amended. New claims 16-19 has been added. Claims 1, 3-9 and 11-19 are currently pending. Reconsideration is hereby requested.

In the Action, claims 1, 3, 4, 6-8 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Manique et al. Applicants note that claim 1 has been amended to provide clarification. Applicants further note that there are fundamental differences between Manique et al. and the present invention. Manique discloses a one dimensional data recording process for generating a single two-dimensional representation, which is an unfolded image of stationary parameters. Applicants refer to column 3, lines 38-50 of Manique. Conversely, in the present invention, two-dimensional image recordings are made. Moreover, not only is a two-dimensional image recording made, but at least one series of at least two two-dimensional image recordings are made. Manique only teaches recording line scans of individual segments of one-dimensional data during rotation of the container for then obtaining single two-dimensional representation.

Claim 1 has now been amended and clarifies the differences in the types of recordings that are made. Claim 1 clearly recites making at least one series of at least two two-dimensional image recordings and further clarifies that for detecting displacement of undesired particles during a two dimensional image recording, the package is situated in a predetermined rotational position relative to the image recording device. Applicants assert that this is neither shown nor suggested by Manique et al. and any other prior art or combination thereof.

According to the method of claim 1, there is a series of at least two two-dimensional image recordings are made and since the package is situated at a predetermined rotational

position relative to the image recording device, the two-dimensional image recordings can be compared to one another for easily detecting undesired particles. In contrast, Manique requires conducting line scans with individual segments being scanned successively for comparison. See Manique, column 4, lines 34-40. The present invention provides a fundamentally different approach to detecting particles and would not be obvious in view of the line segment scans of Manique. Applicants assert that claim 1 patentably distinguishes over Manique and requests that the rejection be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Manique et al. in view of Ishikawa. As discussed above, claim 1 patentably distinguishes over Manique et al. Ishikawa fails to remedy the shortcomings of Manique. Therefore, Applicants assert that claim 1 also patentably distinguishes over the combination of Manique et al. and Ishikawa. As claim 1 patentably distinguishes over the combination of Manique and Ishikawa, Applicants assert that claim 5 also distinguishes over the combination for at least the same reasons. Applicants therefore request that the rejection be withdrawn.

Claim 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Manique et al. in view of Katane et al. Claim 9 depends from claim 1, which is believed to be allowable as discussed above. Applicants assert that Katane fails to remedy the shortcomings of Manique and that claim 1 patentably distinguishes over the combination of Manique and Katane. Applicants therefore assert that claim 9 also patentably distinguishes over the combination for at least the same reasons.

Claim 11 has been amended to make changes adding limitations similar to those of claim 1. Applicants assert that claim 11 also patentably distinguishes over Manique et al. for the reasons similar to those discussed above with regard to claim 1. Moreover, Applicants assert that Katane fails to remedy the shortcomings of Manique et al. Applicants therefore assert that claim 11 patentably distinguishes over the combination of Manique et al. and Katane et al. for at

least the same reasons. Applicants request that the rejection over Manique et al. and Katane et al. be withdrawn.

Claims 12, 13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Manique et al. Claim 12 has been amended and adds limitations similar to those of claim 1. Applicants assert that claim 12 therefore patentably distinguishes over Manique et al. for reasons similar to those discussed above with regard to claim 1. Moreover, Applicants assert that claims 13 and 15 depending from claim 12 are also allowable for at least the same reasons. Applicants therefore request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

New claims 16-19 are also believed to be allowable. Claim 16 recites that the packaging is maintained in rotation during the successive two-dimensional image recordings of the series. As the prior art fails to teach or suggest making a series of two-dimensional image recordings, Applicants assert that the prior art also fails to show that the packaging is maintained in rotation during the successive two-dimensional image recordings of the series. This allows for faster detection while maintaining superior detection. Applicants assert that claim 16 is therefore allowable. In addition, claims 17-19 clarify that the undesired particles are glass particles. Applicants assert that the prior art fails to teach or suggest the method and system discussed above and fails to teach or suggest the method or system can be used for detecting glass particles. Applicants therefore assert that new claims 16-19 are in condition for allowance.

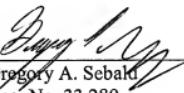
A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



Dated: 9/2/10

Respectfully submitted,
MERCHANT & GOULD P.C.

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